

AMENDED IN SENATE AUGUST 17, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 289

Introduced by Assembly Member Galgiani

February 13, 2009

~~An act to amend Section 21080.13 of the Public Resources Code, relating to environmental quality. An act relating to high-speed rail, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 289, as amended, Galgiani. ~~California Environmental Quality Act: exemptions. High-speed rail.~~

Existing law, the California High-Speed Rail Act, creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes.

The federal American Recovery and Reinvestment Act of 2009 provides funding for allocation nationally to high-speed rail projects.

This bill would require the High-speed Rail Authority, to the extent possible, to use the proceeds of bonds from the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to match federal funds made available from the American Recovery and Reinvestment Act of 2009.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law, the California Environmental Quality Act (CEQA), requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect, unless the project is exempt from the act.~~

~~CEQA provides for various exemptions from the requirements of the act including an exemption for certain railroad grade separation projects.~~

~~This bill would specifically provide that this exemption includes grade separation projects that are a component of the California high-speed rail system.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~^{yes}. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The High Speed Rail Authority shall, to the extent*
- 2 *possible, use the proceed of bonds described in paragraph (1) of*
- 3 *subdivision (b) of Section 2704.04 of the Streets and Highways*
- 4 *Code to match federal funds made available from the American*
- 5 *Recovery and Reinvestment Act of 2009 (Public Law 111-5).*
- 6 *SEC. 2. This act is an urgency statute necessary for the*
- 7 *immediate preservation of the public peace, health, or safety within*
- 8 *the meaning of Article IV of the Constitution and shall go into*
- 9 *immediate effect. The facts constituting the necessity are:*
- 10 *In order to ensure that California may secure the maximum*
- 11 *amount of funds available for high-speed rail development, it is*
- 12 *necessary that this act take effect immediately.*
- 13 ~~SECTION 1. Section 21080.13 of the Public Resources Code~~
- 14 ~~is amended to read:~~
- 15 ~~21080.13. This division shall not apply to a railroad grade~~
- 16 ~~separation project that eliminates an existing grade crossing or that~~
- 17 ~~reconstructs an existing grade separation, including a grade~~
- 18 ~~separation project that meets these conditions and is a component~~
- 19 ~~of the California high-speed rail system.~~

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